



Docket No.: 1293.1188

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Jung-wan KO et al.

Serial No. 09/819,014

Group Art Unit: 2621

Confirmation No. 9741

Filed: March 28, 2001

Examiner: Robert Chevalier

For: RECORDING MEDIUM FOR STORING ENCRYPTED AUDIO DATA, APPARATUS
FOR AND METHOD OF RECORDING THE SAME, AND APPARATUS FOR AND
METHOD OF REPRODUCING THE SAME

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was included in an Office Action mailed October 19, 2005 regarding claims 26-35 and 44-49.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

In the statement, the Examiner stated that the "independent claims identify the feature of [quoting the body of claim 26]. However, claims 30-35 recite a different combination of apparatus features and claims 44-49 recite a method. With respect to claims 30-35 and 44-49, the Examiner's comments are deemed to be improper.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed

features of the currently pending claims.

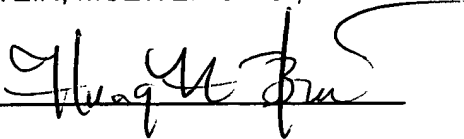
It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 10/20/06

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